



Yamatji Marlpa
ABORIGINAL CORPORATION

Traditional Owners lose out in proposed reforms to the WA Aboriginal Heritage Act

The Western Australian Government has released long-awaited draft amendments to the *Aboriginal Heritage Act 1972*, two years after the last round of public consultation. While the proposed amendments increase penalties for the destruction of registered sites, overall Yamatji Marlpa Aboriginal Corporation (YMAC) considers the WA Government has wasted a unique opportunity to address the deep inequities embedded in the Aboriginal heritage protection regime in this State.

The Department of Aboriginal Affairs claims that the proposed changes will empower Aboriginal people and enable Aboriginal people to take a more proactive role in decision making. YMAC disputes this. The draft reforms provide no clear requirement for consultation with relevant Aboriginal people when assessing the importance or significance of sites, or when deciding whether to issue permits to industry to carry out development activity. This failure will also perpetuate uncertainty for industry.

YMAC considers the Act should require that registered native title claimants and Prescribed Bodies Corporate with rights and interests in the area should participate in these decisions, as a minimum standard. This reflects standard industry practice and would better align the State legislation with the *Native Title Act 1993*.

YMAC is also concerned about the overarching powers the proposed reforms will give to the CEO of the Department of Aboriginal Affairs. Under the plan, the CEO will be handed decision-making powers currently held by the Minister and the Aboriginal Cultural Materials Committee. One person, not necessarily with any relevant expertise or experience in cultural heritage management, will have the discretion to protect or destroy Aboriginal heritage sites and objects.

Simon Hawkins, YMAC CEO, says “For Traditional Owners, the current Act is more a licence to destroy heritage than a mechanism to protect it. The proposed amendments will only reinforce this view. YMAC supports changes that can increase efficiency in the approvals process, however not at the cost of quality. These amendments focus squarely on approvals for industry and will do little to improve processes for effective consultation and long-term protection and management of Aboriginal heritage.”

YMAC is disappointed that Aboriginal people have once again been denied equal appeal rights under the proposed reforms. While parties aggrieved by decisions to protect Aboriginal heritage sites will be able to appeal to the State Administrative Tribunal, Aboriginal people will continue to be denied any avenue to appeal a decision that could adversely affect their heritage.

“These reforms fall well short of the protection afforded to non-Aboriginal built heritage in WA”, Mr Hawkins said. “The State Government needs to actively involve Traditional Owners in the reform process and take advantage of the collaborative approach they have developed with industry over the last decade.”

About Yamatji Marlpa Aboriginal Corporation

Yamatji Marlpa Aboriginal Corporation (YMAC) is the Native Title Representative Body for native title claims in the resource-rich Pilbara, Murchison and Gascoyne areas of Western Australia.

The organisation has a representative area of almost one million square kilometres and represents over 20 native title claims, all with their own language, culture and traditions.

YMAC is run by an Aboriginal Board and provides a range of services to its members including claim and future-act representation, heritage protection services, community and economic development and natural resource management.

For further information and interviews contact:

Melissa Luciola, Communications Specialist

P 08 9268 7014 | M 0458 010 483 | mlucioli@ymac.org.au | www.yamatji.org.au